IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 21940 of 1999

Between:

1. K. Sundara Rama Rao, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village

Achanta Mandal, West Godavari District.

2. K.Subramanyam, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village,

Achanta Mandal, West Godavari District.

3. K.Narayana Rao, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village,

Achanta Mandal, West Godavari District.

4. K.Suryanarayana, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village,

Achanta Mandal, West Godavari District.

5. K.Ramalingeswara Rao, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village,

Achanta Mandal, West Godavari District.

6. K.Ravi Kumar, S/o.Sri Kondaveeti Laxminarayana

Archaka, Sri Rameswara Swamy Temple, Peddamallam Village,

Achanta Mandal, West Godavari District.

..... PETITIONERS

AND

1. State of Andhra Pradesh, represented by its

Principal Secretary to Government,

Revenue (Endowments) Department, Secretariat, Hyderabad

2. The Commissioner of Endowments, Govt. of Andhra Pradesh

Tilak Road, Abids, Hyderabad.

3. District Collector, West Godavari District, at Eluru

4. Revenue Divisional Officer, Achanta Mandal, Achanta,

West Godavari District.

5. The Mandal Revenue Officer, Achanta Mandal,

Achanta, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction more particularly one in the nature of writ of mandamus

(a) declaring the action of the respondents in dispossessing the petitioners from the lands of Sri Rameswara Swamy Temple, Pedamalla Village, Achanta Mandal, West Godavari District, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India;

(b) declare the action of the respondents in not depositing 80% of the compensation while invoking the urgency Clause of the Land Acquisition Act is arbitrary, illegal;

(c) direct the respondents not to dispossess the petitioners from the temple lands of Sri Rameswara Swamy Temple, Pedamalla Village, Achanta Mandal, West Godavari District.

(d) also direct the respondents to deposit 80% of the compensation of the land by way of a Fixed Deposit and further direct them to distribute the interest so derived on the Fixed Deposit as Service Inam to the petitioners herein or in the alternative, direct the respondents not to dispossess the petitioners until the equivalent land is granted to the petitioners as Service Inam on the lands of Sri Rameswara Swamy Temple, Pedamalla Village, Achanta Mandal, West Godavari District.

Counsel for the Petitioner:MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21940 OF 1999

ORDER:

The petitioners herein are sons of one Kondaveeti Laxminarayana. It appears late Laxminarayana was Archaka of Sri Rameswara Swamy Temple, Peddamallam, Achanta Mandal, West Godavari District. He was cultivating the land by reason of compromise executed by the Commissioner for Hindu Religious and Charitable Endowments Department, Guntur, dt.25.2.1957. Be that as it is, alleging that the land which is in possession of the petitioners was being acquired and respondents are proposing to take action without paying 80% of the compensation, they filed the present Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in dispossessing them without depositing 80% of the compensation as illegal and arbitrary.

In the counter affidavit filed by the Revenue Divisional Officer, Narsapur, fourth respondent herein, it is categorically stated that the land belonging to Sri Rameswara Swamy Temple was never proposed for any acquisition. In that view of the matter, it must be held that the Writ Petition is filed on mere apprehension. Insofar as the rights of the petitioners, if any, under the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, the Act), is concerned, it is open to the petitioners to agitate the same before the Assistant Commissioner of Endowments in accordance with Section 82(2) of the Act as well as Rule 3 of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003. It is made clear that if petitioners are in possession of the land they shall not be dispossessed without due process of law.

With the above observations, the Writ Petition is dismissed. No costs.

(V.V.S.RAO, J)

16.8.2004

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ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. Principal Secretary to Government of Andhra Pradesh,

Revenue (Endowments) Department, Secretariat, Hyderabad

2. The Commissioner of Endowments, Govt. of Andhra Pradesh

Tilak Road, Abids, Hyderabad.

3. District Collector, West Godavari District, at Eluru

4. Revenue Divisional Officer, Achanta Mandal, Achanta,

West Godavari District.

5. The Mandal Revenue Officer, Achanta Mandal,

Achanta, West Godavari District.

6. 2CCs to GP for Land Acquisition, High Court Buildings, Hyderabad (OUT)

7. 2CD copies